

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND ZONING VARIANCE *
400 ft. NW of intersec. Walker * ZONING COMMISSIONER
Avenue and Loop Road *
5401 Wilkens Avenue * OF BALTIMORE COUNTY
13th Election District *
1st Councilmanic District * Case No. 96-307-SPHA
Legal Owner: State of Md. UMBC *
Lessee: Bell Atlantic Nynex *
Mobile, Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on Petitions for Special Hearing and Zoning Variance for the property located at 5401 Wilkens Avenue, also known as the campus of the University of Maryland, Baltimore County (UMBC) in southwestern Baltimore County. The Petitions are filed by UMBC, property owner, and Bell Atlantic Nynex Mobile, Lessee. The Petition for Special Hearing seeks an amendment to the site plan approved in case No. 95-392-XA. Variance relief is requested from Sections 102.2 and 1B01.2.C.1.a. of the BCZR to allow two buildings in a D.R.3.5 zone with a side yard setback of 21 ft. in lieu of the required 40 ft. Also, a variance from Section 502.7.C.2 is requested to permit a wireless transmitting tower of 369 ft. in height and to have a property line setback of 272 ft. in lieu of the required 738 ft. The subject property and relief requested are more particularly shown on Petitioner's Exhibit No. 1, the plats to accompany the Petitions for Special Hearing and Variance.

Appearing at the requisite public hearing held for this case were Sarah Slaff and Victor Avlestia on behalf of UMBC. Also present were Joseph E. Joyce and John E. Steele from Bell Atlantic Nynex Mobile, co-Petitioners and Lessees. Richard L. Smith of K.C.I. Technologies, Inc., the preparer of the site plan, also appeared. The Petitioners were represented by Robert A. Hoffman, Esquire. There were no Protestants or other interested persons present.

ORDER RECEIVED FOR FILING

Date

By

3/26/96
M. Howard

APR 1 1996

As noted above, the property under consideration in this case is a portion of the campus at UMBC, located adjacent to Wilkens and Walker Avenues in southwestern Baltimore County. Previously, the property under consideration was the subject of a zoning hearing, before Deputy Zoning Commissioner, Timothy Kotroco, in case 95-392-XA. The subject site features a 369 ft. high transmission tower which is used to house antenna and other communication equipment. Originally, the tower was constructed to provide communication facilities for UMBC. However, once constructed, other tenants were obtained to place their antenna on the structure. Presently, Shaw Bus Service utilizes the tower to facilitate communications within its company and a portion of the tower is also leased by APC, a competitor of Bell Atlantic Nynex Mobile. APC is a wireless telephone/computer data transmission company which offers similar services of those available through Bell Atlantic Nynex Mobile. Approval of APC's lease of a portion of the tower was granted by Deputy Commissioner Kotroco in the above case.

Bell Atlantic Nynex now wishes to add its antennas to the subject tower. As is the case with similar providers, Bell Atlantic continues to install and improve its network grid of antenna facilities to provide uninterrupted and higher capacity wireless communications network in the Baltimore/Washington Metropolitan area. It was indicated that additional facilities are needed in the subject vicinity to improve the existing network. Moreover, an environmental impact statement, as required by the BCZR, was submitted which fully explains the present use of the property and future utilization.

As to the Petition for Special Hearing, it is clear that same should be granted. The addition of Bell Atlantic's antennas will not alter the site from a visual standpoint and will not significantly impact the sur-

rounding locale. I find no evidence that the addition of Bell Atlantic's antennas will cause detriment to the health, safety or general welfare of the locale. To the contrary, the BCZR encourages the construction of antennas on existing towers, so as to reduce the proliferation of new monopoles in the County.

As to the Petition for Zoning Variance, same should also be granted. Certain of the variance relief is required, in view of the fact that Bell Atlantic proposes constructing a second building at the base of the tower, to house equipment relevant to the communication facility. This building will be unmanned, other than periodic inspections. Other parts of the requested variance relief similar to what was requested before Deputy Commissioner Kotroco in the APC case to the extent applicable, I incorporate his findings and conclusions herein. As to the request for variance, I am persuaded that the Petitioners have satisfied the requisite burden of proof and complied with the standards set forth in Section 307 of the BCZR and the case law.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 26th day of March, 1996 that, pursuant to the Petition for Special Hearing, approval of an amendment to the site plan in case No. 95-392-XA, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Sections 102.2 and 1B01.2.C.1.a. of the BCZR to allow two buildings in a D.R.3.5 zone with a side yard setback of 21 ft. in lieu of the required 40 ft., be and is hereby GRANTED; and,

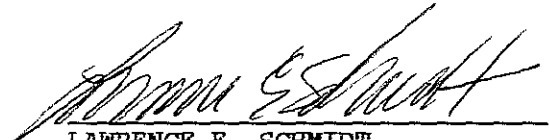
ORDER RECEIVED FOR FILING

Date

By

IT IS FURTHER ORDERED that a variance from Section 502.7.C.2 to permit a wireless transmitting tower of 369 ft. in height and to have a property line setback of 272 ft., in lieu of the required 738 ft., of the Baltimore County Zoning Regulations (BCZR), be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioners are hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.



LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmm

ORDER RECEIVED FOR FILING

Date

3/6/96

By



Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 26, 1996

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard, LLP
210 W. Allegheny Avenue
Towson, Maryland 21204

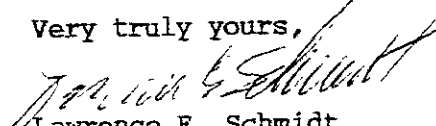
RE: Petitions for Special Hearing and Variance
Property: 5401 Wilkens Avenue
Case No. 96-307-SPHA
Legal Owner: State of Maryland, UMBC Campus
Lessee, Bell Atlantic Nynex, Mobile

Dear Mr. Hoffman:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Zoning Variance have been granted, with restriction.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,


Lawrence E. Schmidt
Zoning Commissioner

LES:mmm

att.

c: Ms. Sara Slaff
Mr. Victor Avlestia, UMBC
c: Messrs. Joseph E. Joyce and John E. Steele
c: Mr. Richard L. Smith, KCI Technologies, Inc.





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 5401 Wilkens Avenue, Baltimore, MD 21228

96-307-SPHA

which is presently zoned DR3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve an amendment to the site plan

approved in Case No. 95-392-XA

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

~~Grantor/Grantors/Lessor~~

Bell Atlantic NYNEX Mobile
(Type or Print Name)

By: Richard R. Dolson,
Signature General Manager
5631 Baltimore National Pike

Address

Catonsville, Maryland 21228

City

State

Zipcode

Legal Owner(s):

State of Maryland,
University of Maryland, Baltimore County

By: Ieland R. Beitel, Assoc. Vice President
for Administrative Affairs, UMBC

Attorney for Petitioner:

Robert A. Hoffman

(Type or Print Name)

Robert A. Hoffman / RAO
Signature Venable, Baetjer & Howard, LLP

210 Allegheny Avenue 494-6200

Address

Phone No.

Towson, Maryland

21204

City

State

Zipcode

5401 Wilkens Avenue, Administrative Building
9th Floor, Room 923 455-2939
Baltimore, Maryland 21228

Name, Address and phone number of representative to be contacted.

Robert A. Hoffman
Venable, Baetjer and Howard, LLP

Name 210 Allegheny Avenue

Towson, Maryland 21204 494-6200

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

303



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

96-307-SPHA

5401 Wilkens Ave., Baltimore, MD 21228

which is presently zoned DR3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 102.2 and 1B01.2;C.1.a. to allow

two buildings in a DR3.5 zone a side yard of 21 feet in lieu of the permitted 40 feet. A side yard variance of 19 feet. And a variance from Section 502.7C2 to allow a 369 ft. high wireless transmitting tower to have a property line set-back (distance to parcel outline) of 272 ft. instead of the required 738 ft.*

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

* A variance of 466 ft.

To be determined at hearing

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Owner-Petitioner/Owner

Bell Atlantic NYNEX Mobile

(Type or Print Name)

By: Richard R. Dolson,

Signature

General Manager

5631 Baltimore National Pike

Address

Catonsville, Maryland 21228

City

State

Zipcode

Attorney for Petitioner

Robert A. Hoffman

(Type or Print Name)

Robert A. Hoffman /pkw
Squire Venable, Baetjer and Howard, LLP

210 Allegheny Avenue 494-6200

Address

Phone No

Towson, Maryland 21204

City

State

Zipcode

(We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

State of Maryland,

University of Maryland, Baltimore County

(Type or Print Name)

By:

Signature

Leland R. Beitel, Assoc. Vice President
for Administrative Affairs, UMBC

(Type or Print Name)

5401 Wilkens Avenue, Administrative Building
9th Floor, Room 923 455-2939

Address

Phone No.

Baltimore, Maryland 21228

City

State

Zipcode

Name, Address and phone number of legal owner, contact purchaser or representative to be contacted

Robert A. Hoffman

Venable, Baetjer and Howard, LLP

Name 210 Allegheny Avenue

Towson, Maryland 21204 494-6200

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED

7.9913 ACRE PARCEL
ON THE LANDS OF
THE UNIVERSITY OF MARYLAND AT BALTIMORE COUNTY
5401 WILKENS AVENUE
FIRST ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

14409 Greenview Drive
Suite 202
Laurel, MD 20708

Washington Area
(301) 953-1821

Baltimore Area
(410) 792-8086

Fax Number
(410) 792-7419

This Description is to accompany a Petition for Special Hearing and Variance.

Commencing at the point of intersection of the centerlines of Walker Avenue and the Campus Loop Road as presently laid out and running thence along the centerline of Walker Avenue as now surveyed, with all bearings referred to the Baltimore County Grid System,

- (a) North 52 degrees 54 minutes 54 seconds West, 244.67 feet to the intersection of said centerline with the southwesterly projection of the First or North 36 degrees 47 minutes East, 298.31 foot line of land which by deed dated 28 April 1977, and recorded among the Land Records of Baltimore County, Maryland, in Liber 5759 at Folio 469, was conveyed by the State of Maryland, Grantor, to the State of Maryland, Grantee, and running thence along said projection
- (b) North 37 degrees 00 minutes 38 seconds East, 34.71 feet to the beginning point of the aforementioned First line of the State of Maryland to the State of Maryland conveyance, and running thence with and binding on said line
- (c) North 37 degrees 00 minutes 38 seconds East, 298.31 feet to the true point of beginning; running thence with and binding on the Second or North 53 degrees 18 minutes West, 670.73 foot line of the aforementioned State of Maryland to the State of Maryland conveyance
- (1) North 53 degrees 04 minutes 22 seconds West, 379.08 feet to a point; running thence at right angles to the last described line, the following four courses and distances:
- (2) North 36 degrees 55 minutes 38 seconds East, 590.00 feet to a point,

96-307-5 PHA

- (3) South 53 degrees 04 minutes 22 seconds East, 590.00 feet to a point,
- (4) South 36 degrees 55 minutes 38 seconds West, 590.00 feet to a point, and
- (5) North 53 degrees 04 minutes 22 seconds West, 210.92 feet to the point of beginning.

Being a square parcel of land measuring 590.00 feet on a side containing 348,100 square feet or 7.9913 acres of land.

Being part of the lands which by deed dated July 29, 1965, and recorded among the Land Records of Baltimore County, Maryland, in Liber 4497 at Folio 201, was conveyed by the State of Maryland, Grantor, to the State of Maryland, Grantee.



J. J. LeVasseur
12/15/95

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District _____

Date of Posting _____

Posted for: _____

Petitioner: _____

Location of property: _____

Location of Sign: Front of Ext. Bldg. Tower

Remarks: _____

Posted by W. Flores 2/24/96 Date of return: _____

Signature

Number of Signs: _____



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland: 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #88-307-SPHA

(Item 303)
8401 Wilkens Avenue
400' NW of Intersection
Walker Avenue and Loop Road
13th Election District
1st Councilmanic

Legal Owner(s)
State of Maryland, University of Maryland, Baltimore County Lessee

Beil Alerte Annex Mobile
Special Hearing to approve an amendment to the site plan approved in case #93-392-XA. Variance: to allow 2 buildings in a D.R.-3.5 zone a side yard of 21 feet in lieu of the permitted 40 feet; and to allow a 369-foot high wireless transmitting tower to have a property line setback (distance to parcel outline) of 272 feet instead of the required 738 feet. Hearing: Tuesday, March 18, 1998 at 11:00 a.m. in Rm. 118, Old Courthouse.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 867-3353.
(2) For information concerning the File and/or Hearing, Please Call 867-3381.

2/25/98 Feb 29. 034610

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2/29, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/29, 1996.

THE JEFFERSONIAN,

A. Henickson

LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 353

96-307-SPHA

DATE 2/9/96

ACCOUNT R0016150

AMOUNT \$ 570.00

RECEIVED
FROM: VENABLE, BAETJER & HOWARD

1 SPECIAL HEARING - FILING - 250.00
1 VARIANCE FILING - 250.00
FOR: 2 SIGNS 70.00 5401 WILKENS AVE.
TOTAL = 570.00

COMPLAINT #0074 MICHAEL \$570.00
BY [unclear] 02-08-96

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 353

DATE 2/13/96

ACCOUNT 001-6150

AMOUNT \$ 40.00 (JEL)

RECEIVED
FROM: Venable, Baetjer & Howard

#710 - VERIFICATION
Wilkins Avenue - Item #303

FOR: _____

COMPLAINT #0074 MICHAEL \$40.00
BY [unclear] 02-13-96

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

post by: 3/4/96

CASE NUMBER: 96-307-SPHA (Item 303)

5401 Wilkens Avenue

400' NW of intersection Walker Avenue and Loop Road

13th Election District - 1st Councilmanic

Legal Owner: State of Maryland, University of Maryland, Baltimore County

Lessee: Bell Atlantic Nynex Mobile

Special Hearing to approve an amendment to the site plan approved in case #95-392-XA.

Variance to allow 2 buildings in a D.R.-3.5 zone a side yard of 21 feet in lieu of the permitted 40 feet; and to allow a 369-foot high wireless transmitting tower to have a property line setback (distance to parcel outline) of 272 feet instead of the required 738 feet.

HEARING: TUESDAY, MARCH 19, 1996 at 11:00 a.m. in Room 118, Old Courthouse.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 303 Petitioner: Bell Atlantic NYNEX Mobile
Location: 5401 Wilkens Avenue

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Barbara W. Ormond
ADDRESS: Venable, Baetjer + Howard, LLP
210 Allegheny Avenue, Towson, Md 21204
PHONE NUMBER: 410-494-6201



MAILED

TO: PUTUMENT PUBLISHING COMPANY
February 29, 1996 Issue - Jeffersonian

Please forward billing to:

Barbara W. Ormord
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

94-6201

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-307-SPHA (Item 303)
5401 Wilkens Avenue
400' NW of intersection Walker Avenue and Loop Road
13th Election District - 1st Councilmanic
Legal Owner: State of Maryland, University of Maryland, Baltimore County
Lessee: Bell Atlantic Nynex Mobile

Special Hearing to approve an amendment to the site plan approved in case #95-392-XA.
Variance to allow 2 buildings in a D.R.-3.5 zone a side yard of 21 feet in lieu of the permitted 40 feet;
and to allow a 369-foot high wireless transmitting tower to have a property line setback (distance to parcel outline) of 272 feet instead of the required 738 feet.

HEARING: TUESDAY, MARCH 19, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

February 29, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-307-SPHA (Item 303)
5401 Wilkens Avenue
400' NW of intersection Walker Avenue and Loop Road
13th Election District - 1st Councilmanic
Legal Owner: State of Maryland, University of Maryland, Baltimore County
Lessee: Bell Atlantic Nynex Mobile

Special Hearing to approve an amendment to the site plan approved in case #95-392-XA.
Variance to allow 2 buildings in a D.R.-3.5 zone a side yard of 21 feet in lieu of the permitted 40 feet;
and to allow a 369-foot high wireless transmitting tower to have a property line setback (distance to parcel outline) of 272 feet instead of the required 738 feet.

HEARING: TUESDAY, MARCH 19, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: University of Maryland, Baltimore County
Bell Atlantic Nynex Mobile
Robert A. Hoffman, Esq.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

W. Hoffman



ENVIRONMENTAL IMPACT STATEMENT

**FOR THE ADDITION OF A
BELL ATLANTIC NYNEX MOBILE ANTENNA
TO AN EXISTING UMBC TOWER**

LOCATION:

**UNIVERSITY OF MARYLAND BALTIMORE COUNTY
BALTIMORE COUNTY, MARYLAND**

Prepared for:

**Bell Atlantic NYNEX Mobile
9000 Junction Drive
Annapolis Junction, Maryland 20701**

Prepared by:

**KCI Technologies, Inc.
10 North Park Drive
Hunt Valley, MD 21030**

February 1996

ENVIRONMENTAL IMPACT STATEMENT

**FOR THE ADDITION OF A
BELL ATLANTIC NYNEX MOBILE ANTENNA
TO AN EXISTING UMBC TOWER**

LOCATION:

**UNIVERSITY OF MARYLAND BALTIMORE COUNTY
BALTIMORE COUNTY, MARYLAND**

Prepared for:

**Bell Atlantic NYNEX Mobile
9000 Junction Drive
Annapolis Junction, Maryland 20701**

Prepared by:

**KCI Technologies, Inc.
10 North Park Drive
Hunt Valley, MD 21030**

February 1996



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 12, 1996

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: Item No.: 303
Case No.: 96-307-SPHA
Petitioner: State of Maryland
University of MD

Dear Mr. Hoffman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on February 8, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over a printed name.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 02/20/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: STATE OF MARYLAND, UMBC.

Location: 400' NW OF INTERSECTION WALKER AVE. AND LOOP RD.
(5401 WILKENS AVE.).

Item No.: 303

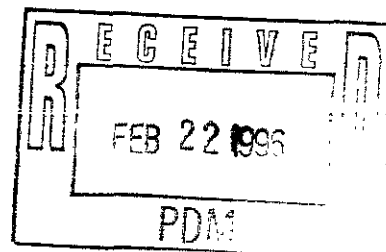
Zoning Agenda: SPECIAL HEARING/VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.



REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

2-16-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 303 (JLL)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

RECEIVED

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: February 21, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 295, 296, 298, 300, 301, 303 and 304

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Furry

Division Chief:

Carol L. Kline

PK/JL

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Feb. 26, 1996
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for February 26, 1996
Items 294, 295, 296, 298, 299, 300, 301, 302, 7
and 303

The Development Plans Review Division has reviewed
the subject zoning items and we have no comments.

RWB:sw

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: February 8, 1996

TO: Hearing Officer

FROM: John L. Lewis
Planner II
Zoning Review, PDM

SUBJECT: Item #303
5401 Wilkens Avenue

Advised applicant to get DRC resolved and to have environmental impact statement at hearing for submission.

JLL:scj

| | | |
|---|---|----------------------|
| RE: PETITION FOR SPECIAL HEARING | * | BEFORE THE |
| PETITION FOR VARIANCE | | |
| 5401 Wilkens Avenue, 400' NW of intersec- | * | ZONING COMMISSIONER |
| tion Walker Avenue and Loop Road | | |
| 13th Election District, 1st Councilmanic | * | OF BALTIMORE COUNTY |
| Legal Owner: State of Maryland, | * | CASE NO. 96-307-SPHA |
| U. of Md. Baltimore County | | |
| Lessee: Bell Atlantic Nynex Mobile | * | |
| Petitioners | | |
| * * * * * | | |

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

Carole S. Demilio

 CAROLE S. DEMILIO
 Deputy People's Counsel
 Room 47, Courthouse
 400 Washington Avenue
 Towson, MD 21204
 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of March, 1996, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer and Howard, 210 Allegheny Avenue, P. O. Box 5517, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

 PETER MAX ZIMMERMAN

NOTED

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE - S/S Wilkens Ave.,
SE/S of its intersection with * DEPUTY ZONING COMMISSIONER
Walker Ave., 53' N of Campus Loop Rd.
(6401 Wilkens Avenue) * OF BALTIMORE COUNTY
1st and 13th Election Districts
1st Councilmanic District * Case No. 95-392-XA

University of Maryland, Baltimore County (UMBC)
Petitioner

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 6401 Wilkens Avenue, located near its interchange with the Baltimore Beltway in Catonsville. The Petitions were filed by the owners of the property, the State of Maryland, University of Maryland, Baltimore County, by Leland R. Beitel, Associate Vice President of Administrative Affairs, and American PCS, L.P., Contract Lessee, by Margaret C. Ruggieri, Esquire, through their attorney G. Scott Barhight, Esquire. The Petitioners seek a special exception for a wireless transmitting and receiving facility on the subject property, and a variance from Section 502.7.C.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a property line setback of 295 feet in lieu of the minimum required 738 feet for an existing 369-foot high wireless transmitting and receiving facility. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petitions were representatives of American PCS and UMBC, and Christine McSherry, Esquire, who appeared on behalf of American PCS. There were no Protestants present.

Testimony and evidence offered revealed that the property which is the subject of this request consists of 7.9 acres, more or less, zoned

ORDER RECEIVED FOR FILING

Date

by

D.R. 3.5 and is located within the UMBC complex off of Wilkens Avenue. The Petitioners are desirous of locating a wireless transmitting and receiving facility on the subject property. Specifically, the Petitioners wish to install six (6) antenna on an existing 369-foot tower located on the campus of UMBC. In addition to the special exception request, a variance is needed to legitimize the existing tower. Testimony revealed that since the property is State-owned, a variance for the height of the tower was not necessary at the time it was erected. Now that a private concern, American PCS, is desirous of locating antennae on this tower, the special exception and height variance become necessary.

It is clear that the B.C.Z.R. permits the use proposed in a D.R. 3.5 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in

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Date

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roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

The B.C.Z.R., specifically Section 307.1, established a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of Cromwell v. Ward, 102 Md. App. 691 (1995). The opinion in that case, issued January 4, 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself-- unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land.

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

COPIES PREPARED FOR FILING
8/16/95
1032

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Loyola Federal Savings and Loan Association v. Buschman, 227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Loyola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to

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Date 8/16/85
By [Signature]

be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petition, as enunciated in Anderson, supra, are as follows:

- 1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;
- 2) whether a grant of the variance applied for would do substantial justice to an applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief to the owner of the property involved and be more consistent with that afforded other property owners; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson, p. 39. See also McLean v. Soley, 270 Md. 208 (1973) at pps. 214-215.

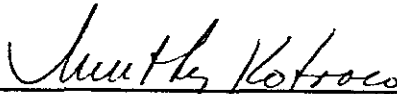
I find from the testimony and evidence presented at the hearing before me that the Applicants have in fact proven the practical difficulty standards as set forth above and that the variance requested should be granted. I further find that the granting of this variance is in strict harmony with the spirit and intent of the B.C.Z.R. and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of August, 1995 that the Petition for Special Exception to permit a wireless transmitting and receiving facility on the subject property, in accordance with Petitioner's Exhibit 3, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 502.7.C.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a property line setback of 295 feet in lieu of the minimum required 738 feet for an existing 369-foot high wireless transmitting and receiving facility, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED
Date 8/16/95
By [Signature]



Petition for Variance

95-392-KA
to the Zoning Commissioner of Baltimore County

for the property located at 5401 Wilkens Ave., Baltimore, MD 21228

which is presently zoned D.R. 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

502.7.C.2 To permit a property line setback of 295 feet for a 369'ft high wireless transmitting and receiving facility in lieu of the required 738 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To be presented at the hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

Margaret C. Ruggieri, Esq.
(Type or Print Name) for American PCS., L.P.
Margaret Ruggieri
Signature
One Democracy Center
6901 Rockledge Drive
Address

Bethesda, MD 20817
City State Zipcode

Attorney for Petitioner:

G. Scott Barhight, Esq.
(Type or Print Name)
G. Scott Barhight
Signature
Whiteford, Taylor & Preston
210 W. Pennsylvania Ave.
Address Phone No. 832-2000

Towson, MD 21204
City State Zipcode

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.)

Legal Owner(s):

State of Maryland,
University of Maryland, Baltimore Co.
(Type or Print Name) By: Leland R. Beitel, Assoc. Vice
President for Admin. Affairs, UMBC

Leland R. Beitel
Signature
(Type or Print Name)
5401 Wilkens Ave., Administrative Bldg.
9th Flr, Room 923 455-2939
Address Phone No.

Baltimore, MD 21228
City State Zipcode

Name, Address and phone number or representative to be contacted.

G. Scott Barhight, Esq.

210 W. Pennsylvania Ave. 832-2000
Address Towson, MD 21204 Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for hearing

the following dates: Next Two Months

ALL OTHER

REVIEWED BY: DATE

Printed with Soybean Ink
on Recycled Paper



38c

UNDER RECEIVED FOR FILING

Date

By



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 5401 Wilkens Ave., Baltimore, MD 21228

which is presently zoned DR3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for a wireless transmitting and receiving facility.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, undersigned, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.
Expenses to be paid by American PCS, L.P.

Contract Purchaser/Lessee:

Margaret C. Ruggieri, Esq.

(Type or Print Name) FOR American PCS, L.P.

Signature
One Democracy Center
6901 Rockledge Drive

Address

Bethesda, MD 20817

City State Zipcode

Attorney for Petitioner:

G. Scott Barhight, Esq.

(Type or Print Name)

Signature
Whiteford, Taylor & Preston
210 W. Pennsylvania Ave. (410) 832-2000

Address
Towson, MD 21204

State Zipcode

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

State of Maryland

University of Maryland, Baltimore Co.

(Type or Print Name)

By: Leland R. Beitel, Assoc. Vice
President for Admin. Affairs, UMBC

Signature

(Type or Print Name)

Signature

5401 Wilkens Ave. Administrative Bldg.
9th Floor, Room 923 455-2939

Address

Phone No.

Baltimore, MD 21228

City State Zipcode
Name, Address and phone number of representative to be contacted.

G. Scott Barhight, Esq.

Name

210 W. Pennsylvania Ave. 832-2000

Address Towson, MD 21204

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

ORDER RECEIVED FOR FILING

Date

By

386

VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147

VENABLE
ATTORNEYS AT LAW

96-736
OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

4/13/96
cg
to wcc
OK To Accepting
planer - See Me
2/13/96 ucn
HQA + CNE

February 13, 1996

Hand Delivery

Arnold Jablon, Director
Department of Permits
& Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

96-307-SPHA

Re: Petitioner: Bell Atlantic NYNEX Mobile
Zoning Item No.: 303
Parcel A - University of Maryland Baltimore County
South side of Wilkens Avenue, North of Walker Avenue
Request for Issuance of Building Permit

Dear Mr. Jablon:

Our client, Bell Atlantic NYNEX Mobile (BANM), lessee of the above captioned property, is interested in placing several antennas on an existing 369 ft. radio tower and constructing a modular building on property owned by the University of Maryland. The subject property consists of 7.99 ac.± and is zoned DR3.5.

In 1995, under Zoning Case No.: 95-392-XA, this site was the subject of a special exception and variance request. The legal owner, University of Maryland Baltimore County (UMBC) and the contract lessee, American PCS, L.P. were interested in mounting six antennas to the existing tower. The Petitioners sought a special exception for a wireless transmitting and receiving facility on the property and a variance to permit a property line setback of 295 ft. in lieu of the minimum required 738 ft. for the existing 369 ft. high wireless transmitting and receiving facility. The Deputy Zoning Commissioner in his Order dated August 16, 1995 (copy attached), granted the special exception and the variance request. There were no protestants at the hearing.

BANM has filed with the Zoning Office, a petition for special hearing to amend the site plan in Case No. 95-392-XA and a petition for variance to reduce the distance between two buildings (BANM's proposed 12' x 30' modular building and APC's

Arnold Jablon, Director
February 13 1996
Page 2

modular building) and the property line setback. The granting of this request will enable BANM to address gaps in service that currently exist. Curing this deficiency as soon as possible is extremely important to BANM.

Based on the history of this site and that we do not anticipate any opposition to this request, it is respectfully requested that the building permit for the proposed antennas and modular building be conditionally approved while the special hearing and variance requests are processed.

Thank you for your attention to this matter.

Yours truly,



Robert A. Hoffman

Enclosure

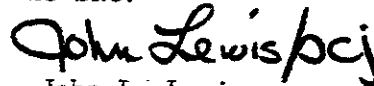
cc: John Steele
Joseph E. Joyce

TOIDOCs1/BAW01/0004794.01

1st & 13th ED
February 16, 1996

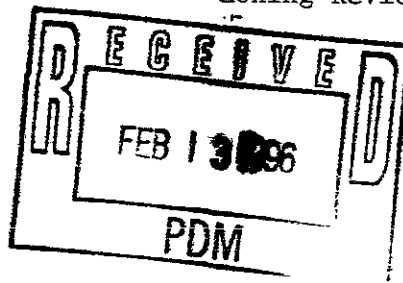
Dear Mr. Hoffman:

Conditional zoning approval of building permits will be given once the attached forms are completed. Please address any development status issues which are outstanding with the DRC.



John L. Lewis
Planner II
Zoning Review

c: #95-392-XA
Item #303



FILED

VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147

VENABLE
ATTORNEYS AT LAW

96-898
2/23/96
to 63
OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

Writer's Direct Number:
(410) 494-6201

February 21, 1996

Via Hand Delivery

Arnold Jablon, Director
Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re : Zoning Item No. 303
Petition for Special Hearing and Variance
Bell Atlantic Nynex Mobile
Proposed Site at 5401 Wilkens Avenue

Dear Mr. Jablon:

Enclosed is the Environmental Impact Statement to be included as part of the above referenced zoning file.

If you have any questions, please give me a call.

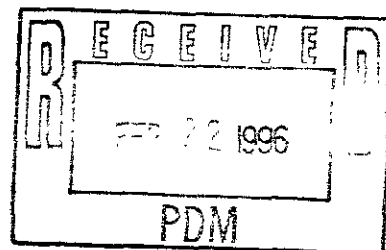
Sincerely,



Barbara W. Ormord
Legal Assistant

Enclosure
cc: Robert A. Hoffman, Esquire

TOIDOC51/BAW01/0020019.01





Baltimore County Zoning Commissioner
Office of Planning and Zoning
Suite 112 Courthouse
400 Washington Avenue
Towson, Maryland 21204



RECEIVED
MAY 2 1980

Messrs. Joseph E. Joyce
John E. Steele
Bell Atlantic Telephone
9000 Junction Drive
Annapolis, Maryland 21401
NO SUCH STREET

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 26, 1996

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard, LLP
210 W. Allegheny Avenue
Towson, Maryland 21204

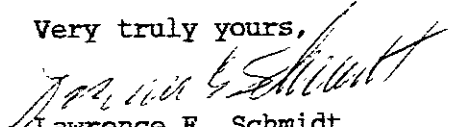
RE: Petitions for Special Hearing and Variance
Property: 5401 Wilkens Avenue
Case No. 96-307-SPHA
Legal Owner: State of Maryland, UMBC Campus
Lessee, Bell Atlantic Nynex, Mobile

Dear Mr. Hoffman:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Zoning Variance have been granted, with restriction.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,


Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
att.

c: Ms. Sara Slaff
Mr. Victor Avlestia, UMBC
c: Messrs. Joseph E. Joyce and John E. Steele ✓
c: Mr. Richard L. Smith, KCI Technologies, Inc.



D.R. 3.5
V-S PTH

D.R. 3.5

56000

Herbert

7.9934c, PARCEL
SUBJECT 517E

W 27000

02-70

BEGINNING POINT
OF PARCEL

MS-304-22
379-68

N 37° 00' 30" E
34.71' 29.31"

2520 541 521 W
244-67

BEGINNING POINT
OF DESCRIPTION

603

SPRING GROVE
HOSPITAL

UN-400

ROAD

ZONING MAP
SW 4-E
44-11-200'

544-200

PARK

WILKENS

44

WALKER

ROAD

ROAD

7040

ZONING MAP

544-200

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE 400 ft. NW of intersec. Walker Avenue and Loop Road 5401 Wilkens Avenue 13th Election District 1st Councilmanic District Legal Owner: State of Md. UMBC Lessee: Bell Atlantic Nynex Mobile, Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on Petitions for Special Hearing and Zoning Variance for the property located at 5401 Wilkens Avenue, also known as the campus of the University of Maryland, Baltimore County (UMBC) in southwestern Baltimore County. The Petitions are filed by UMBC, property owner, and Bell Atlantic Nynex Mobile, Lessee. The Petition for Special Hearing seeks an amendment to the site plan approved in case No. 95-392-XA. Variance relief is requested from Sections 102.2 and 1801.2.C.1.a. of the BCZR to allow two buildings in a D.R.3.5 zone with a side yard setback of 21 ft. in lieu of the required 40 ft. Also, a variance from Section 502.7.C.2 is requested to permit a wireless transmitting tower of 369 ft. in height and to have a property line setback of 272 ft. in lieu of the required 738 ft. The subject property and relief requested are more particularly shown on Petitioner's Exhibit No. 1, the plats to accompany the Petitions for Special Hearing and Variance.

Appearing at the requisite public hearing held for this case were Sarah Slaff and Victor Avlestia on behalf of UMBC. Also present were Joseph E. Joyce and John E. Steele from Bell Atlantic Nynex Mobile, co-Petitioners and Lessees. Richard L. Smith of K.C.I. Technologies, Inc., the preparer of the site plan, also appeared. The Petitioners were represented by Robert A. Hoffman, Esquire. There were no Protestants or other interested persons present.

As noted above, the property under consideration in this case is a portion of the campus at UMBC, located adjacent to Wilkens and Walker Avenues in southwestern Baltimore County. Previously, the property under consideration was the subject of a zoning hearing, before Deputy Zoning Commissioner, Timothy Kotroco, in case 95-392-XA. The subject site features a 369 ft. high transmission tower which is used to house antenna and other communication equipment. Originally, the tower was constructed to provide communication facilities for UMBC. However, once constructed, other tenants were obtained to place their antenna on the structure. Presently, Shaw Bus Service utilizes the tower to facilitate communications within its company and a portion of the tower is also leased by APC, a competitor of Bell Atlantic Nynex Mobile. APC is a wireless telephone/computer data transmission company which offers similar services of those available through Bell Atlantic Nynex Mobile. Approval of APC's lease of a portion of the tower was granted by Deputy Commissioner Kotroco in the above case.

Bell Atlantic Nynex now wishes to add its antennas to the subject tower. As is the case with similar providers, Bell Atlantic continues to install and improve its network grid of antenna facilities to provide uninterrupted and higher capacity wireless communications network in the Baltimore/Washington Metropolitan area. It was indicated that additional facilities are needed in the subject vicinity to improve the existing network. Moreover, an environmental impact statement, as required by the BCZR, was submitted which fully explains the present use of the property and future utilization.

As to the Petition for Special Hearing, it is clear that same should be granted. The addition of Bell Atlantic's antennas will not alter the site from a visual standpoint and will not significantly impact the sur-

rounding locale. I find no evidence that the addition of Bell Atlantic's antennas will cause detriment to the health, safety or general welfare of the locale. To the contrary, the BCZR encourages the construction of antennas on existing towers, so as to reduce the proliferation of new monopoles in the County.

As to the Petition for Zoning Variance, same should also be granted. Certain of the variance relief is required, in view of the fact that Bell Atlantic proposes constructing a second building at the base of the tower, to house equipment relevant to the communication facility. This building will be unmanned, other than periodic inspections. Other parts of the requested variance relief similar to what was requested before Deputy Commissioner Kotroco in the APC case to the extent applicable, I incorporate his findings and conclusions herein. As to the request for variance, I am persuaded that the Petitioners have satisfied the requisite burden of proof and complied with the standards set forth in Section 307 of the BCZR and the case law.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 26th day of March, 1996 that, pursuant to the Petition for Special Hearing, approval of an amendment to the site plan in case No. 95-392-XA, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Sections 102.2 and 1801.2.C.1.a. of the BCZR to allow two buildings in a D.R.3.5 zone with a side yard setback of 21 ft. in lieu of the required 40 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 502.7.C.2 to permit a wireless transmitting tower of 369 ft. in height and to have a property line setback of 272 ft., in lieu of the required 738 ft., of the Baltimore County Zoning Regulations (BCZR), be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioners are hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmm

ORDER RECEIVED FOR FILING
Date 3/26/96
By [Signature]

ORDER RECEIVED FOR FILING
Date 3/26/96
By [Signature]

ORDER RECEIVED FOR FILING
Date 3/26/96
By [Signature]

- 2 -

- 3 -

- 4 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-4386
March 26, 1996

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard, LLP
210 M. Allegheny Avenue
Towson, Maryland 21204
RE: Petitions for Special Hearing and Variance
Property: 5401 Wilkens Avenue
Case No. 96-307-SPHA
Legal Owner: State of Maryland, UMBC Campus
Lessee, Bell Atlantic Nynex, Mobile

Dear Mr. Hoffman:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Zoning Variance have been granted, with restriction.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
att.
c: Ms. Sara Slaff
Mr. Victor Avlestia, UMBC
Messrs. Joseph E. Joyce and John E. Steele
c: Mr. Richard L. Smith, KCI Technologies, Inc.

Petition for Special Hearing
to the Zoning Commissioner of Baltimore County
for the property located at 5401 Wilkens Avenue, Baltimore, MD 21228
96-307-SPHA
This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve an amendment to the site plan approved in Case No. 95-392-XA.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Legal Owner(s)

Bell Atlantic NYNEX Mobile

By: [Signature] Richard R. Dolson,

General Manager

5631 Baltimore National Pike

Catonsville, Maryland 21228

City State Zipcode

Attorney for Petitioner

Robert A. Hoffman

9th Floor, Room 923 455-2939

Baltimore, Maryland 21228

Name, Address and phone number of legal owner(s) to be collected

Robert A. Hoffman

Venable, Baetjer and Howard, LLP

210 Allegheny Avenue

Towson, Maryland 21204 494-6200

City State Zipcode

5401 Wilkens Avenue, Administrative Building

9th Floor, Room 923 455-2939

Baltimore, Maryland 21228

Name, Address and phone number of legal owner(s) to be collected

Robert A. Hoffman

Venable, Baetjer and Howard, LLP

210 Allegheny Avenue

Towson, Maryland 21204 494-6200

City State Zipcode

ESTIMATED LENGTH OF HEARING

the following date: _____

RECEIVED BY: _____ DATE: _____

Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at 5401 Wilkens Ave., Baltimore, MD 21228
96-307-SPHA
This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Sections 102.2 and 1801.2.C.1.a. to allow two buildings in a D.R.3.5 zone a side yard of 21 feet in lieu of the permitted 40 feet. A side yard variance of 19 feet. And a variance from Section 502.7C2 to allow a 369 ft. high wireless transmitting tower to have a property line setback (distance to parcel outline) of 272 ft. instead of the required 738 ft. back of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) * A variance of 466 ft.

To be determined at hearing

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Legal Owner(s)

Bell Atlantic NYNEX Mobile

By: [Signature] Richard R. Dolson,

General Manager

5631 Baltimore National Pike

Catonsville, Maryland 21228

City State Zipcode

Attorney for Petitioner

Robert A. Hoffman

9th Floor, Room 923 455-2939

Baltimore, Maryland 21228

Name, Address and phone number of legal owner(s) to be collected

Robert A. Hoffman

Venable, Baetjer and Howard, LLP

210 Allegheny Avenue

Towson, Maryland 21204 494-6200

City State Zipcode

ESTIMATED LENGTH OF HEARING

the following date: _____

RECEIVED BY: _____ DATE: _____

KCI TECHNOLOGIES
7.9913 ACRE PARCEL
ON THE LANDS OF
THE UNIVERSITY OF MARYLAND AT BALTIMORE COUNTY
5401 WILKENS AVENUE
FIRST ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND
14409 Greenview Drive
Suite 201
Lund, MD 20708
Washington Area
(301) 953-1821
Baltimore Area
(410) 795-8666
Fax Number
(410) 792-7419

This Description is to accompany a Petition for Special Hearing and Variance.

Commencing at the point of intersection of the centerlines of Walker Avenue and the Campus Loop Road as presently laid out and running thence along the centerline of Walker Avenue as now surveyed, with all bearings referred to the Baltimore County Grid System,

- North 52 degrees 54 minutes 54 seconds West, 244.67 feet to the intersection of said centerline with the southwesterly projection of the First or North 36 degrees 47 minutes East, 298.31 foot line of land which by deed dated 28 April 1977, and recorded among the Land Records of Baltimore County, Maryland, in Liber 5759 at Folio 469, was conveyed by the State of Maryland, Grantor, to the State of Maryland, Grantee, and running thence along said projection
- North 37 degrees 00 minutes 38 seconds East, 34.71 feet to the beginning point of the aforementioned First line of the State of Maryland to the State of Maryland conveyance, and running thence with and binding on said line
- North 37 degrees 00 minutes 38 seconds East, 298.31 feet to the true point of beginning; running thence with and binding on the Second or North 53 degrees 18 minutes West, 670.73 foot line of the aforementioned State of Maryland to the State of Maryland conveyance
- North 53 degrees 04 minutes 22 seconds West, 379.08 feet to a point; running thence at right angles to the last described line, the following four courses and distances:
- North 36 degrees 55 minutes 38 seconds East, 590.00 feet to a point.

KCI TECHNOLOGIES, INC.
ENGINEERS AND PLANNERS



96-307-SPHA

- (3) South 53 degrees 04 minutes 22 seconds East, 590.00 feet to a point,
- (4) South 36 degrees 55 minutes 38 seconds West, 590.00 feet to a point, and
- (5) North 53 degrees 04 minutes 22 seconds West, 210.92 feet to the point of beginning.

Being a square parcel of land measuring 590.00 feet on a side containing 348.100 square feet or 7.9913 acres of land.

Being part of the lands which by deed dated July 29, 1965, and recorded among the Land Records of Baltimore County, Maryland, in Liber 4497 at Folio 201, was conveyed by the State of Maryland, Grantor, to the State of Maryland, Grantee.



J. J. LeVassau
12/15/95

c:\wp51\descrip\umbc.des

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: _____ Date of Posting: _____
Posted for: _____
Petitioner: _____
Location of property: _____
Location of Signs: Front of Est. Bldg. Tower
Remarks: _____
Posted by: W. Flors Date of return: _____
Number of Signs: _____

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2/29, 1996
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/29, 1996.

THE JEFFERSONIAN,
A. Henderson
LEGAL AD. - TOWSON

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County and the Zoning Department of Baltimore County, will hold a public hearing on the proposed amendment to the Zoning Ordinance of Baltimore County, Maryland, as follows:
Case #96-307-SPHA (Item 303)
400' NW of intersection Walker Avenue and Loop Road
13th Election District - 1st Councilmanic
Legal Owner: State of Maryland, University of Maryland, Baltimore County
Lessee: Bell Atlantic Nynex Mobile
Special Hearing to approve an amendment to the site plan approved in case #95-392-XA.
Variance to allow 2 buildings in a D.R.-3.5 zone a side yard of 21 feet in lieu of the permitted 40 feet; and to allow a 369-foot high wireless transmitting tower to have a property line setback (distance to parcel outline) of 272 feet instead of the required 738 feet.
Hearing Tuesday, March 19, 1996 at 11:00 a.m. in Room 118, Old Courthouse.
NOTES: (1) Hearings are handicapped accessible; for special accommodations please call 887-3353.
(2) For information concerning the file and/or hearing, please call 887-3391.

post by: 3/4/96

CASE NUMBER: 96-307-SPHA (Item 303)
5401 Wilkens Avenue
400' NW of intersection Walker Avenue and Loop Road
13th Election District - 1st Councilmanic
Legal Owner: State of Maryland, University of Maryland, Baltimore County
Lessee: Bell Atlantic Nynex Mobile

Special Hearing to approve an amendment to the site plan approved in case #95-392-XA.
Variance to allow 2 buildings in a D.R.-3.5 zone a side yard of 21 feet in lieu of the permitted 40 feet; and to allow a 369-foot high wireless transmitting tower to have a property line setback (distance to parcel outline) of 272 feet instead of the required 738 feet.

HEARING: TUESDAY, MARCH 19, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 2/13/96 ACCOUNT: 001-6150
AMOUNT: \$ 40.00 (JUL)
RECEIVED FROM: Venable, Baetjer & Howard
#710 - VERIFICATION
Wilkens Avenue - Item #503
FOR: ADDITIONAL FILING
DATE: 2/13/96 AMOUNT: 40.00
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 2/13/96 ACCOUNT: 96-307-SPHA
AMOUNT: \$ 570.00
RECEIVED FROM: Venable, Baetjer & Howard
1 SPECIAL HEARING FILING \$50.00
1 VARIANCE FILING \$520.00
FOR: 3 SHOTS 70.00 5401 WILKENS AVE.
DATE: 2/13/96 AMOUNT: 570.00
VALIDATION OR SIGNATURE OF CASHIER



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 303 Petitioner: Bell Atlantic Nynex Mobile
Location: 5401 Wilkens Avenue

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Barbara W. Ormrod
ADDRESS: Venable, Baetjer & Howard, LLP
210 Allegheny Avenue, Towson, Md 21204
PHONE NUMBER: 410-494-6281

12

TO: POTENTIAL FILING COMPANY
February 29, 1996 Issue - Jeffersonian

Please forward billing to:

Barbara W. Ormrod
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

94-6201

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-307-SPHA (Item 303)

5401 Wilkens Avenue
400' NW of intersection Walker Avenue and Loop Road
13th Election District - 1st Councilmanic
Legal Owner: State of Maryland, University of Maryland, Baltimore County
Lessee: Bell Atlantic Nynex Mobile

Special Hearing to approve an amendment to the site plan approved in case #95-392-XA.
Variance to allow 2 buildings in a D.R.-3.5 zone a side yard of 21 feet in lieu of the permitted 40 feet; and to allow a 369-foot high wireless transmitting tower to have a property line setback (distance to parcel outline) of 272 feet instead of the required 738 feet.

HEARING: TUESDAY, MARCH 19, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHWARTZ
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

February 29, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-307-SPHA (Item 303)

5401 Wilkens Avenue
400' NW of intersection Walker Avenue and Loop Road
13th Election District - 1st Councilmanic
Legal Owner: State of Maryland, University of Maryland, Baltimore County
Lessee: Bell Atlantic Nynex Mobile

Special Hearing to approve an amendment to the site plan approved in case #95-392-XA.
Variance to allow 2 buildings in a D.R.-3.5 zone a side yard of 21 feet in lieu of the permitted 40 feet; and to allow a 369-foot high wireless transmitting tower to have a property line setback (distance to parcel outline) of 272 feet instead of the required 738 feet.

HEARING: TUESDAY, MARCH 19, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: University of Maryland, Baltimore County
Bell Atlantic Nynex Mobile
Robert A. Hoffman, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink
on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 12, 1996

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: Item No.: 303
Case No.: 96-307-SPHA
Petitioner: State of Maryland
University of MD

Dear Mr. Hoffman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on February 8, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

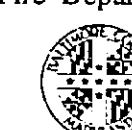
Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

Printed with Soybean Ink
on Recycled Paper

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 02/20/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: STATE OF MARYLAND,UMBC.

Location: 400' NW OF INTERSECTION WALKER AVE. AND LOOP RD.
(5401 WILKENS AVE.).

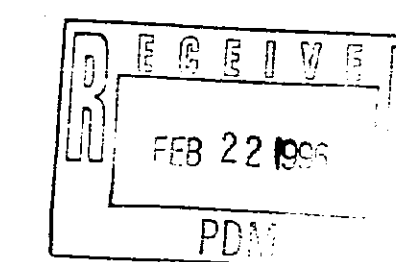
Item No.: 303 Zoning Agenda: SPECIAL HEARING/VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.



REVIEWER: LT. ROBERT P. SAUERHALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed with Soybean Ink
on Recycled Paper



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 303 (JLL)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: February 21, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 295, 296, 298, 300, 301, 303 and 304

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 867-3480.

Prepared by: *Jeffrey M. Long*
Division Chief: *Carol L. Long*

PK/JL

ITEM295/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: Feb. 26, 1996

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for February 28, 1996
Items 294, 295, 296, 298, 299, 300, 301, 302, 7
and 303

The Development Plans Review Division has reviewed the subject zoning items and we have no comments.

RWB:sw

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: February 8, 1996

TO: Hearing Officer

FROM: John L. Lewis
Planner II
Zoning Review, PDM

SUBJECT: Item #303
5401 Wilkens Avenue

Advised applicant to get DRC resolved and to have environmental impact statement at hearing for submission.

JLL:scj

RE: PETITION FOR SPECIAL HEARING
PETITION FOR VARIANCE
5401 Wilkens Avenue, 400' NW of intersec-
tion Walker Avenue and Loop Road
13th Election District, 1st Councilmanic
Legal Owner: State of Maryland,
U. of Md. Baltimore County
Lessee: Bell Atlantic Nynex Mobile
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

CASE NO. 96-307-SPHA

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of March, 1996, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer and Howard, 210 Allegheny Avenue, P. O. Box 5517, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

IN RE: PETITIONS FOR SPECIAL EXCEPTION
AND VARIANCE - S/G Wilkens Ave.,
SE/S of its intersection with
Walker Ave., 53' N of Campus Loop Rd.
(6401 Wilkens Avenue)
1st and 13th Election Districts
1st Councilmanic District

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY

CASE NO. 95-392-XA

University of Maryland, Baltimore County (UMBC)
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 6401 Wilkens Avenue, located near its interchange with the Baltimore Beltway in Catonsville. The Petitions were filed by the owners of the property, the State of Maryland, University of Maryland, Baltimore County, by Leland R. Beitel, Associate Vice President of Administrative Affairs, and American PCS, L.P., Contract Lessee, by Margaret C. Ruggieri, Esquire, through their attorney G. Scott Barhight, Esquire. The Petitioners seek a special exception for a wireless transmitting and receiving facility on the subject property, and a variance from Section 502.7.C.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a property line setback of 295 feet in lieu of the minimum required 738 feet for an existing 369-foot high wireless transmitting and receiving facility. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petitions were representatives of American PCS and UMBC, and Christine McSherry, Esquire, who appeared on behalf of American PCS. There were no Protestants present.

Testimony and evidence offered revealed that the property which is the subject of this request consists of 7.9 acres, more or less, zoned

ORDER RECEIVED FOR FILING
Date *3/21/96*
by *JP*

VENABLE
ATTORNEYS AT LAW

VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations
210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21205-5517
(410) 494-6200, Fax (410) 821-0147

February 13, 1996

Hand Delivery

Arnold Jablon, Director
Department of Permits
& Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Petitioner: Bell Atlantic NYNEX Mobile
Zoning Item No.: 303
Parcel A - University of Maryland Baltimore County
South side of Wilkens Avenue, North of Walker Avenue
Request for Issuance of Building Permit

Dear Mr. Jablon:

Our client, Bell Atlantic NYNEX Mobile (BANM), lessee of the above captioned property, is interested in placing several antennas on an existing 369 ft. radio tower and constructing a modular building on property owned by the University of Maryland. The subject property consists of 7.99 ac.± and is zoned DR3.5.

In 1995, under Zoning Case No.: 95-392-XA, this site was the subject of a special exception and variance request. The legal owner, University of Maryland Baltimore County (UMBC) and the contract lessee, American PCS, L.P., were interested in mounting six antennas to the existing tower. The Petitioners sought a special exception for a wireless transmitting and receiving facility on the property and a variance to permit a property line setback of 295 ft. in lieu of the minimum required 738 ft. for the existing 369 ft. high wireless transmitting and receiving facility. The Deputy Zoning Commissioner in his Order dated August 16, 1995 (copy attached), granted the special exception and the variance request. There were no protestants at the hearing.

BANM has filed with the Zoning Office, a petition for special hearing to amend the site plan in Case No. 95-392-XA and a petition for variance to reduce the distance between two buildings (BANM's proposed 12' x 30' modular building and APC's

VENABLE
ATTORNEYS AT LAW

Arnold Jablon, Director
February 13 1996
Page 2

modular building) and the property line setback. The granting of this request will enable BANM to address gaps in service that currently exist. Curing this deficiency as soon as possible is extremely important to BANM.

Based on the history of this site and that we do not anticipate any opposition to this request, it is respectfully requested that the building permit for the proposed antennas and modular building be conditionally approved while the special hearing and variance requests are processed.

Thank you for your attention to this matter.

Yours truly,

Robert A. Hoffman
Robert A. Hoffman

Enclosure

cc: John Steele
Joseph E. Joyce

TO:DOCS/BAW01/0061754.01

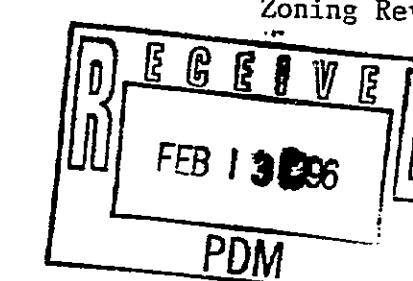
1st & 13th ED
February 16, 1996

Dear Mr. Hoffman:

Conditional zoning approval of building permits will be given once the attached forms are completed. Please address any development status issues which are outstanding with the DRC.


John L. Lewis
John L. Lewis
Planner II
Zoning Review

c: #95-392-XA
Item #303



2025 RELEASE UNDER E.O. 14176

c: Ms. Sara Slaff
Mr. Victor Avlestia, UMBC
c: Messrs. Joseph E. Joyce and John
c: Mr. Richard L. Smith, KCI Technol.

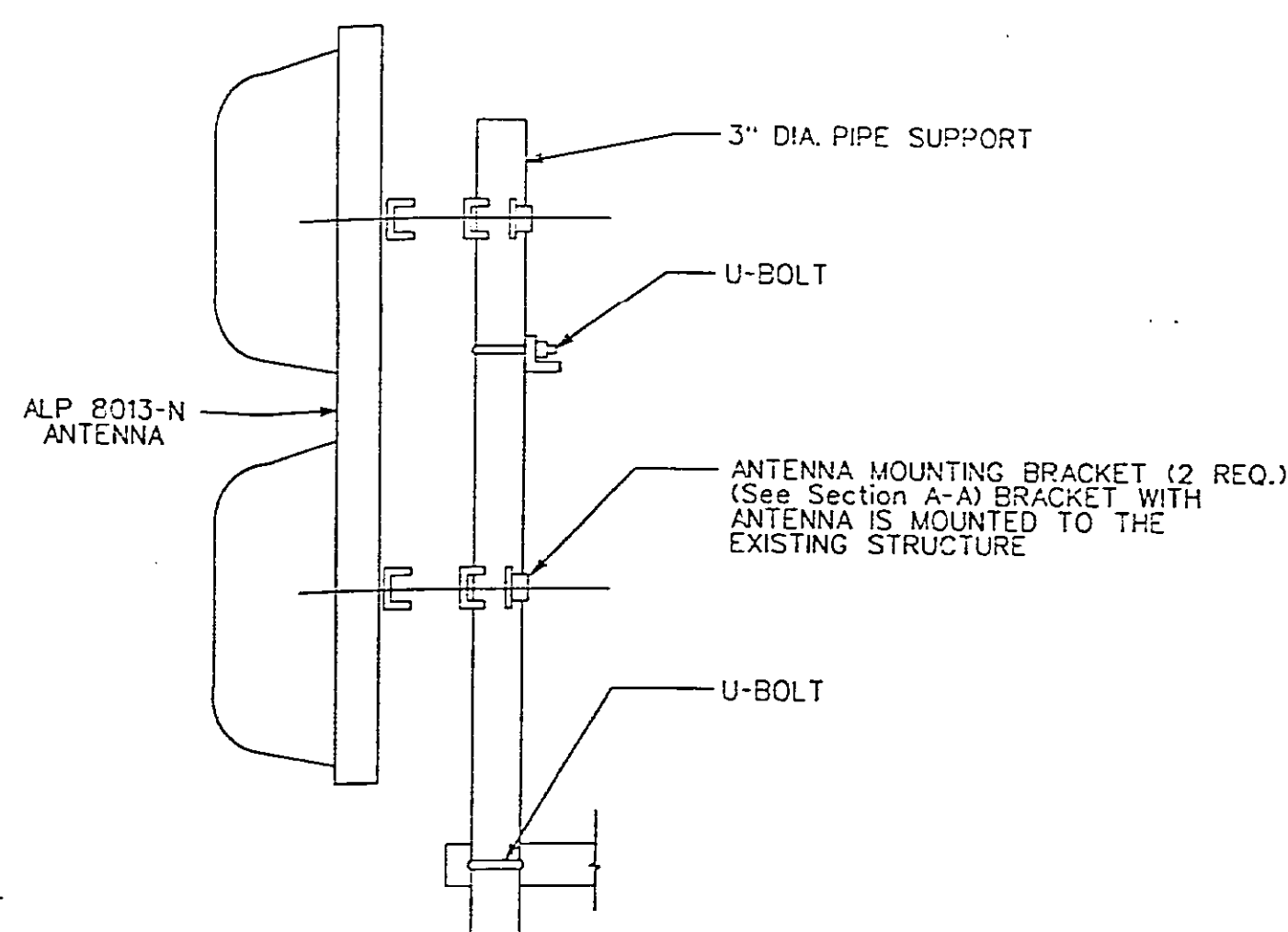
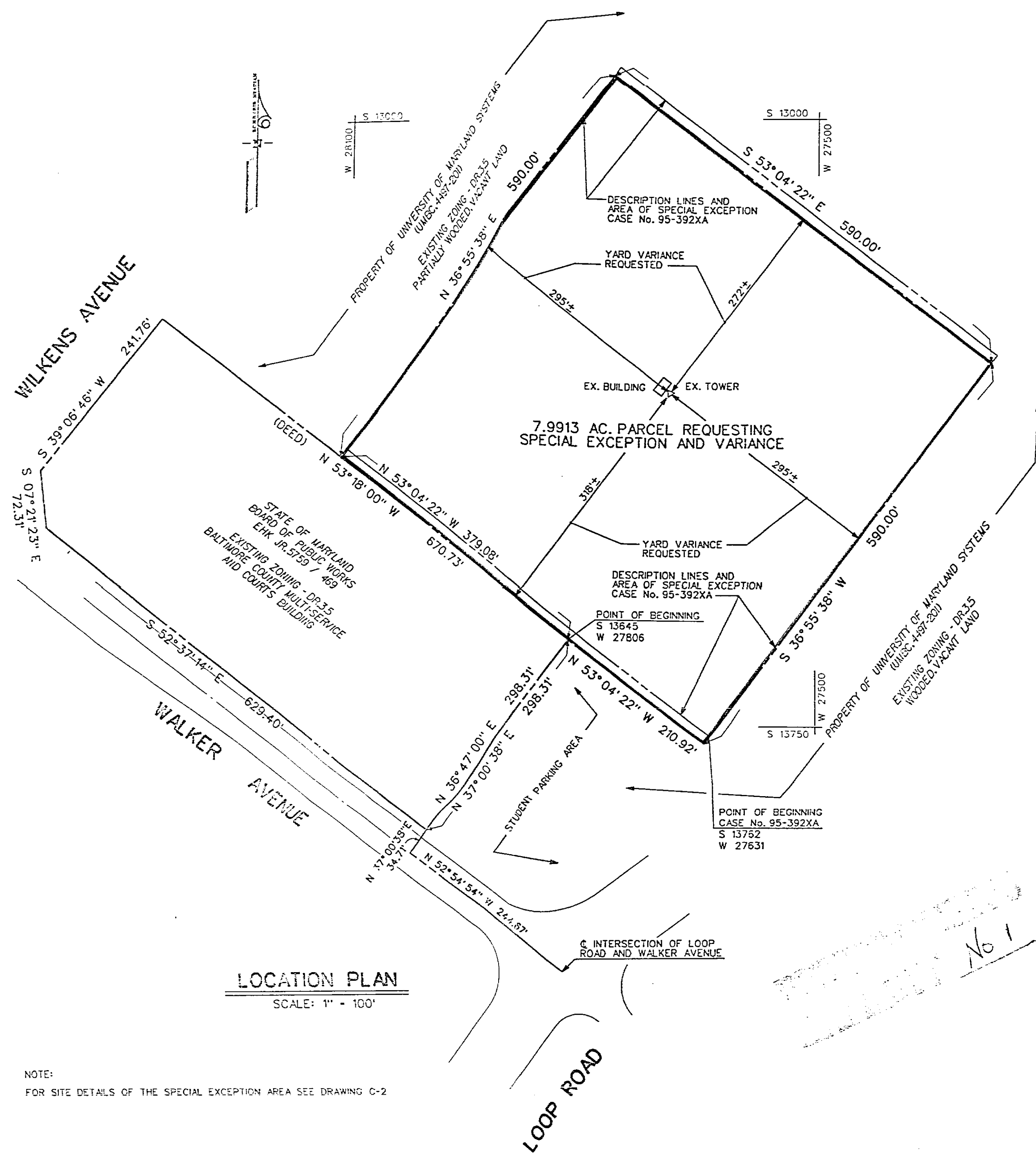
[illegible]

ADDRESS
K.I.C.I. TECHNOLOGIES INC.
10 NORTH PARK DR. HUNT VALLEY 21038
BELL ATLANTA
9000 QUINCY DR. ANDALUSIA, ALABAMA and
BILL ATLANTIC - IN TEXAS
9000 HUNTER CT. ANDALOUSIA, MS
UMBC
300 Wilkens Ave. Catonsville, MD
UMBC
320 Allegheny Ave. P.O. Box 1204

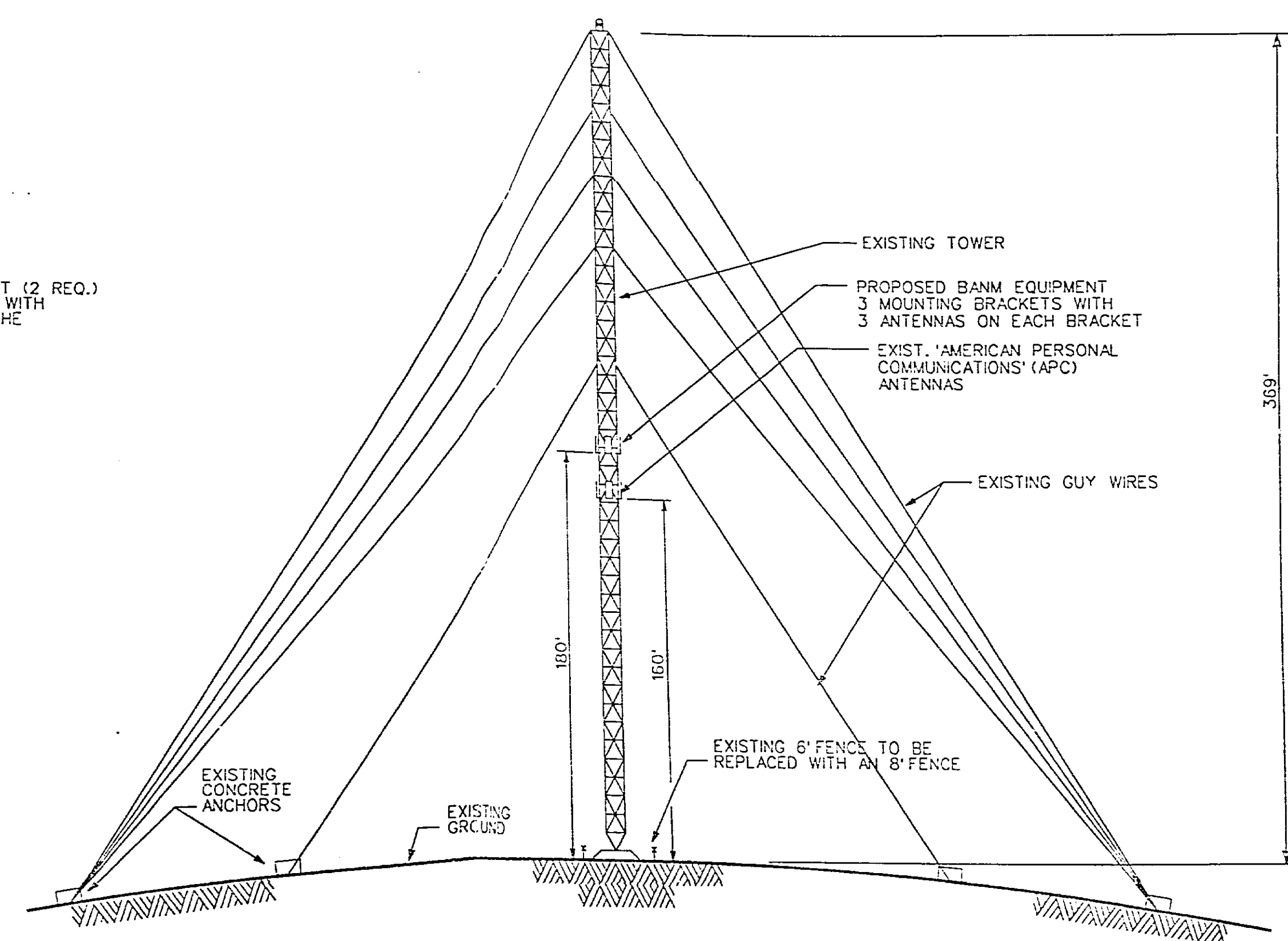


February 1996

EXHIBIT 1



ANTENNA MOUNTING DETAIL
NOT TO SCALE



TOWER ELEVATION
SCALE: 1" = 50'

PREVIOUS ZONING HISTORY

PETITION No. 85-535-SPHX

PETITION FOR SPECIAL EXCEPTION TO PLACE 3 PRIVATELY OPERATED ANTENNAS ON AN EXISTING 350' HIGH TOWER. PETITION FOR SPECIAL HEARING TO DETERMINE IF THE 350' HIGH TOWER OWNED BY THE UNIVERSITY OF MARYLAND LOCATED ON THE UNIVERSITY PROPERTY COULD HAVE 3 ANTENNAS PLACED ON IT AND BE EXEMPT FROM OR NOT SUBJECT TO A SPECIAL EXCEPTION.

COUNSEL FOR PETITIONER REQUESTED A DISMISSAL WITHOUT PREJUDICE WHICH WAS GRANTED BY THE DEPUTY ZONING COMMISSION BY HER ORDER DATED JUNE 23, 1988.

PETITION No. 95-392XA

PETITION FOR SPECIAL EXCEPTION TO PERMIT A WIRELESS TRANSMITTING AND RECEIVING FACILITY ON THE SUBJECT PROPERTY AND A VARIANCE TO ALLOW A SETBACK FROM A PROPERTY LINE OF 295' INSTEAD OF THE REQUIRED 738'.

ZONING COMMISSIONERS ORDER - PETITION 95-392XA

THEREFORE, IT IS ORDERED BY THE DEPUTY ZONING COMMISSIONER FOR BALTIMORE COUNTY THIS 16TH DAY OF AUGUST, 1995 THAT THE PETITION FOR SPECIAL EXCEPTION TO PERMIT A WIRELESS TRANSMITTING AND RECEIVING FACILITY ON THE SUBJECT PROPERTY, IN ACCORDANCE WITH PETITIONER'S EXHIBIT 3, BE AND IS HEREBY GRANTED; AND,

IT IS FURTHER ORDERED THAT THE PETITION FOR VARIANCE SEEKING RELIEF FROM SECTION 502.7.C.2 OF THE BALTIMORE COUNTY ZONING REGULATIONS (B.C.Z.R.) TO PERMIT A PROPERTY LINE SETBACK OF 295 FEET IN LIEU OF THE MINIMUM REQUIRED 738 FEET FOR AN EXISTING 350-FOOT HIGH WIRELESS TRANSMITTING AND RECEIVING FACILITY, IN ACCORDANCE WITH PETITIONER'S EXHIBIT 1, BE AND IS HEREBY GRANTED, SUBJECT TO THE FOLLOWING RESTRICTION:

1. THE PETITIONERS MAY APPLY FOR THEIR PERMIT AND BE GRANTED SAME UPON RECEIPT OF THIS ORDER; HOWEVER, PETITIONERS ARE HEREBY MADE AWARE THAT PROCEEDING AT THIS TIME IS AT THEIR OWN RISK UNTIL SUCH TIME HAS THE 30-DAY APPELLATE PROCESS FROM THIS ORDER HAS EXPIRED. IF, FOR WHATEVER REASON, THIS ORDER IS REVERSED, THE RELIEF GRANTED HEREIN SHALL BE RESCINDED.

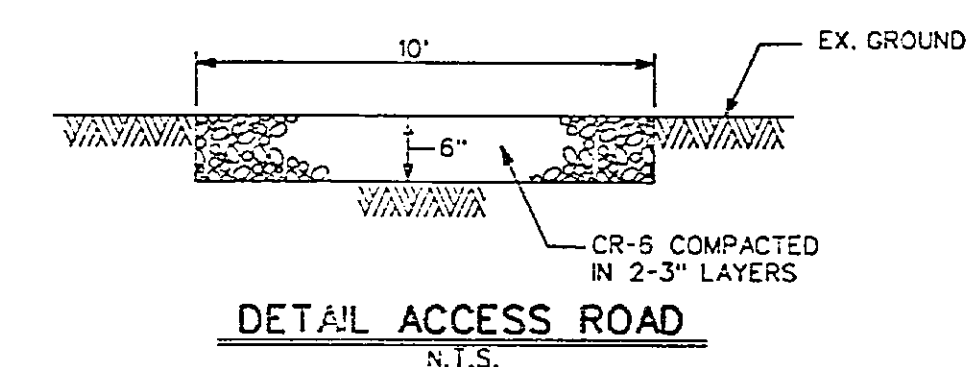
SIGNED: _____
TIMOTHY M. KOTRUCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

REQUEST FOR VARIANCES

- PETITIONER IS REQUESTING A VARIANCE TO SECTION 502.7C2 OF THE BCZR TO ALLOW A 369' HIGH WIRELESS TRANSMITTING TOWER TO HAVE A PROPERTY LINE SETBACK (DISTANCE TO PARCEL OUTLINE) OF 272' INSTEAD OF THE REQUIRED 738'. A VARIANCE OF 466'.
- PETITIONER IS REQUESTING A VARIANCE TO SECTIONS 102.2 AND 1801.2C1b OF THE BCZR TO ALLOW TWO BUILDINGS IN A DR 3.5 ZONE TO BE 21' APART INSTEAD OF THE REQUIRED 40' (SIDE YARD TO SIDE YARD). A VARIANCE OF 19'.

ANTENNA NOTES

- BELL ATLANTIC NYNEX MOBILE (BANN) ANTENNA WILL BE LOCATED AT A POINT 180' FROM THE TOWER BASE.
- ANTENNA WILL CONSIST OF 9 - ALP 8013-N EQUIPMENT.
- WHEN THE BANN LEASE EXPIRES THE EQUIPMENT WILL BE REMOVED FROM THE TOWER.
- ENVIRONMENTAL PROTECTION AGENCY STANDARDS AND GUIDELINES RELATING TO RADIATION EMISSIONS SHALL BE MET AT ALL TIMES.
- NO ADDITIONAL ANTENNA LIGHTS ARE PROPOSED (THERE ARE NO STROBE LIGHTS).
- EVERY FIVE YEARS, OR SOONER IN THE EVENT OF SUBSTANTIAL DAMAGE, A CERTIFICATION BY A PROFESSIONAL ENGINEER REGISTERED IN MARYLAND SHALL BE FILED WITH THE DEPARTMENT OF PERMITS AND LICENSES INDICATING THAT THE STRUCTURE MEETS ALL SAFETY REQUIREMENTS BY THE TOWER OWNER. ANY UPGRADING OR MAINTENANCE REQUIRED TO COMPLY WITH ANY CHANGES IN SAFETY REQUIREMENTS, OR TO MAINTAIN THE SAFETY THEREOF, SHALL BE PERFORMED PRIOR TO THE FILING OF SUCH CERTIFICATION BY THE TOWER OWNER.
- WIRELESS TRANSMITTING DEVICES MUST COMPLY WITH ANSI STANDARD C 95.1-1982.



SCHEDULE OF REVISIONS

| REV. NO. | DESCRIPTION OF CHANGES | DRAWN BY | AUTH. BY | ISSUE STATUS | ISSUE DATE |
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UMBC
CELLULAR COMMUNICATIONS ANTENNA SITE

KCI TECHNOLOGIES, INC.
ENGINEERS • PLANNERS • SURVEYORS
6500 PATUXENT RANGE ROAD
JESSUP, MARYLAND 20794-0609 (410) 792-0006 (202) 965-1811

© Bell Atlantic NYNEX Mobile
9000 JUNCTION DRIVE
ANNAPOLIS JUNCTION, MD 20701

DRAWING TITLE:
SITE PLAN & PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING AND VARIANCE

PROJECT:

PROPERTY OWNER: UNIVERSITY OF MARYLAND SYSTEMS
670 MARK BEAN V.P. FOR COMM. AFFAIRS
5401 WILKENS AVE., BALTIMORE, MD 21228-5398
PHONE: (410) 455-2939

DRAWING ISSUE STATUS CURRENTLY - **B**

A - ISSUED FOR PRELIMINARY INFORMATION ONLY
B - ISSUED FOR MUNICIPAL REVIEWS/APPROVALS
C - ISSUED FOR CONSTRUCTION PERMITS/BIDS
D - ISSUED FOR CONSTRUCTION
E - (SPECIFY)

FIRST ISSUE: _____
DRAWING NO. **C-1**

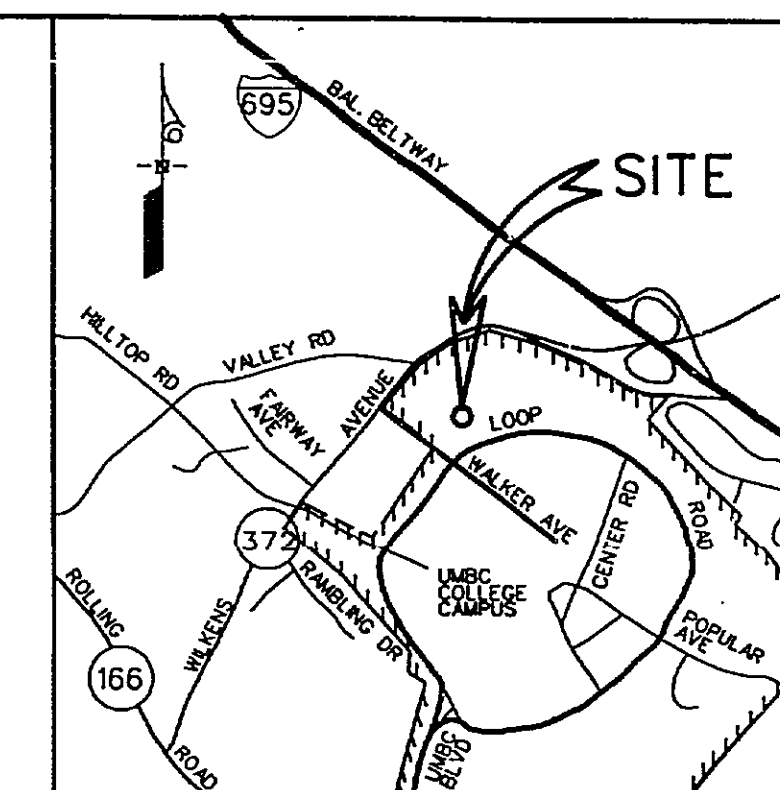
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CHECKED BY: **SDF**

SCALE: **AS SHOWN**
SHEET NO. **1 OF 2**

PROJECT NO. **1684039-C5**
PRINT DATE: **2-6-98**

DOCUMENT NO. _____

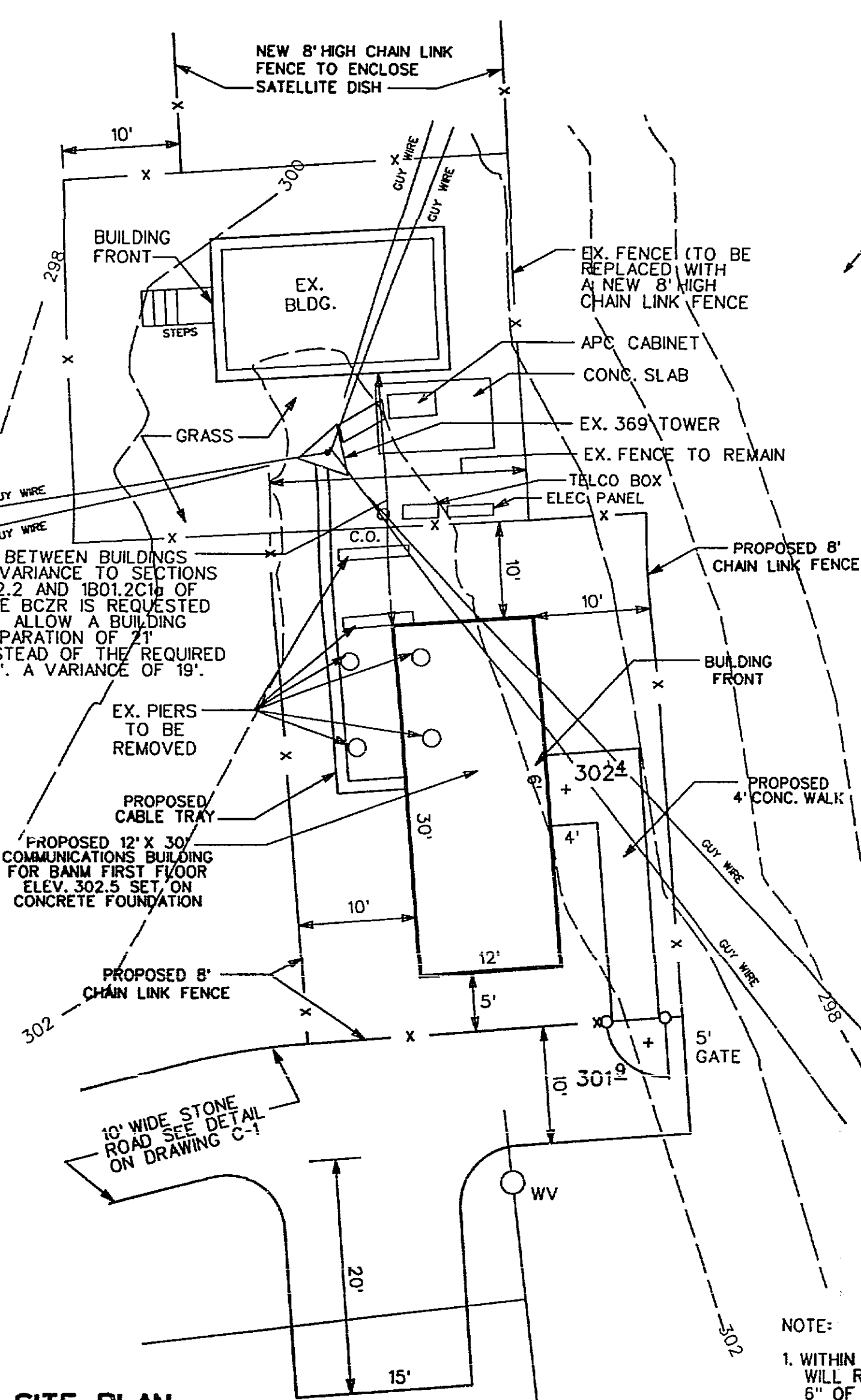
LEGEND
 --- 302 --- EXISTING CONTOURS
 + 302.26 EXISTING GRADES
 --- 301.2 --- PROPOSED CONTOURS
 --- 301.2 --- PROPOSED GRADES
 --- S --- SILT FENCE
 --- S.C.E. --- STABILIZED CONSTRUCTION ENTRANCE
 --- L.O.D. --- LIMIT OF DISTURBANCE



VICINITY MAP
 SCALE: 1" = 2000'

GENERAL NOTES

- Applicant: Bell Atlantic Nynex Mobile
 9000 Junction Drive
 Annapolis Junction, MD 20701
 (301) 512-2447
 Local Contact: Joseph Joyce
- Applicant Attorney: Venable, Baetjer & Howard
 210 Allegheny Avenue
 Towson, MD 21204
 Local Contact: Robert Hoffman
- Property Owner: University of Maryland Systems
 c/o Mr. Mark Behm, V.P. for Administrative Affairs
 5401 Wilkens Avenue
 Baltimore, MD 21228-5398
- Current Zoning: DR-3.5 - (Residential) with Special Exception and Variances (see Case No. 95-392XA)
- Latitude: 39°15'38"
 Longitude: 76°42'49"
- The proposed facilities will consist of a 12' x 30' x 12' high unoccupied modular building and an existing 369' tower for the transmission and reception of cellular telephone communications. Floor area = 360 s.f.
- Total disturbed area: 6439 SQ. FT. ± or 0.15 Ac. ±
- Property shown hereon lies within Zone 'C', an area of minimal flooding, as per FEMA Community Panel No. 240010 0390 B effective date March 2, 1981.
- Site data:
 Deed Reference: 4497 - 201
 Tax Account Number: 01-19-717372
 Election District No. 13
 Councilmanic District No. 1
 Census Tract: 4308
- The exterior of the modular building is to be exposed aggregate.
- No water or sanitary utilities are required for the operation of this facility.
- Total area of site for Special Exception: 348,100± Sq. Ft. (Acres = 7.9913)
- The proposed fence around the existing satellite dish north of the tower is to be included in this contract.
- For Sediment Control Notes and Details see Drawing No. C-3.
- Proposed 10' stone road and turn around to be constructed on existing grades.
- Topsoil removed belongs to owner. Contractor will move topsoil to a spoil area designated by the owner. Removal of topsoil is part of this contract.
- There will be no change in existing site grades for the placement of the communications building.
- Wireless transmitting devices must comply with ANSI Standard C 95.1-1982.
- Contractor will not stockpile any material on the UMBC Student Parking Area.
- Contractor is responsible to assess condition of the UMBC Student Parking Area Prior to commencing construction with the owner. Any damage to the parking area during construction of the communications building will be the responsibility of the contractor to repair.
- No work is to commence until all permits have been obtained.
- Topography shown was obtained by KCI Technologies in April of 1995.
- Prior to commencing construction, contractor will contact owners maintenance division at least 48 hours prior to starting work in order to have existing utility locations verified.
- No signage other than what is required by code and the BCZR will be placed on the site.
- The proposed use is an 'unmanned' site, therefore, no off-street parking spaces are required.



SITE PLAN
 SCALE: 1" = 10'

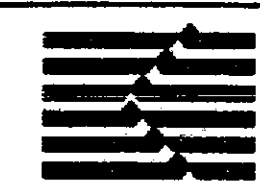
- NOTE:
- WITHIN THE BANN COMMUNICATIONS AREA CONTRACTOR WILL REMOVE THE TOPSOIL AND PLACE A MINIMUM OF 6" OF CR-6 STONE. FINISHED GRADE TO MATCH EXISTING CONTOURS.
 - FINISHED GRADE OF THE STONE ROAD AND TURN-A-ROUND TO MATCH EXISTING CONTOURS.

SITE PLAN
 SCALE: 1" = 40'

SCHEDULE OF REVISIONS

| REV. NO. | DESCRIPTION OF CHANGES | DRAWN BY | AUTH. BY | ISSUE STATUS | ISSUE DATE |
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UMBC CELLULAR COMMUNICATIONS ANTENNA SITE



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 ENGINEERS • PLANNERS • SURVEYORS
 8806 PATUXENT RANGE ROAD
 JESSEUP, MARYLAND 20794-8669 (410) 792-0006 (202) 945-1821

@ Bell Atlantic NYNEX Mobile

9000 JUNCTION DRIVE
 ANNAPOLIS JUNCTION, MD 20701

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PROJECT:
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 c/o MARK BEHM, V.P. FOR ADMIN. AFFAIRS
 5401 WILKENS AVE., BALTIMORE, MD 21228-5398
 PHONE: (410) 455-2839

DRAWING ISSUE STATUS CURRENTLY: B

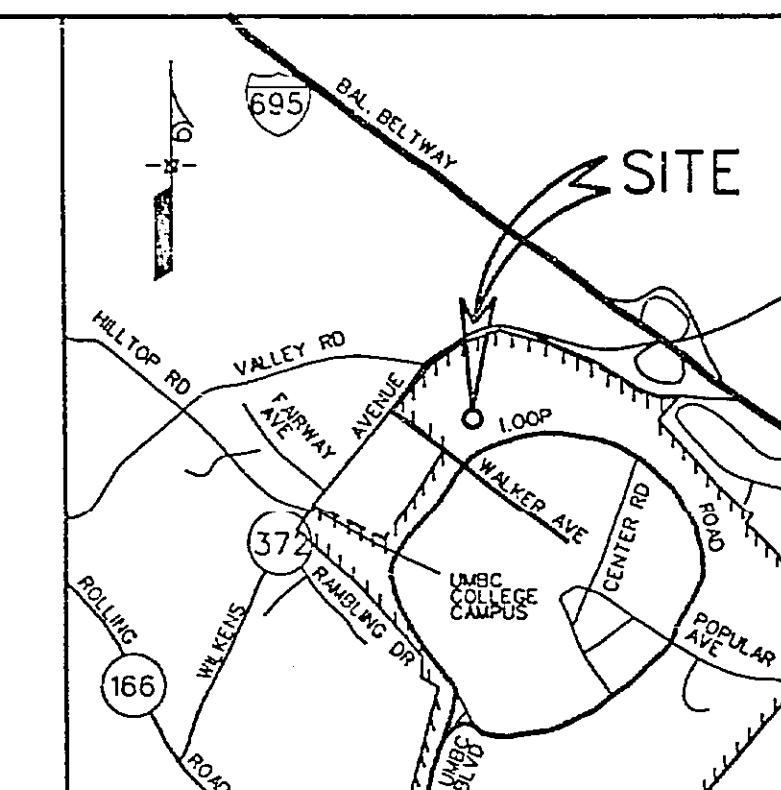
ISSUED FOR PRELIMINARY INFORMATION ONLY
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 ISSUED FOR CONSTRUCTION PERMITS/BIDS
 ISSUED FOR CONSTRUCTION
 (SPECIFY)

DRAWING NO.
C-2

SHEET NO. 2 OF 2
 PROJECT NO. 1684039-CS
 PRINT DATE: 2-6-96
 DOCUMENT NO.

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- LEGEND
- 302 — EXISTING CONTOURS
 - * 302.25 EXISTING GRADES
 - 301.9 — PROPOSED CONTOURS
 - 301.9 — PROPOSED GRADES
 - S — SILT FENCE
 - S.C.E. — STABILIZED CONSTRUCTION ENTRANCE
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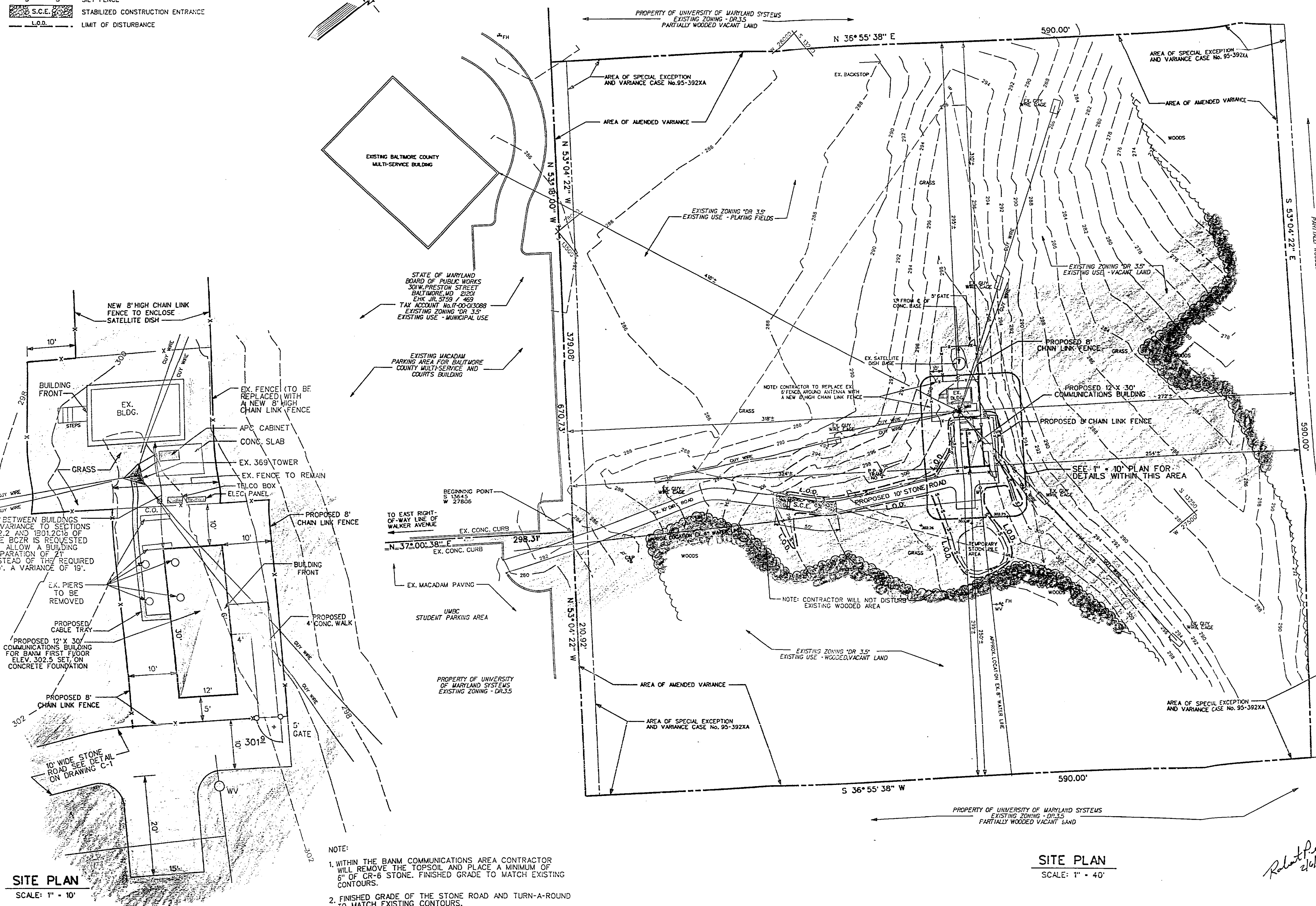


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Robert P. Behm
2/6/96



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SCALE: 1" = 10'

SITE PLAN
SCALE: 1" = 40'

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ACCOMPANY PETITION
FOR SPECIAL HEARING
AND VARIANCE**

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DRAWING ISSUE STATUS CURRENTLY: **B**

FIRST ISSUE:

DRAWING NO.
C-2

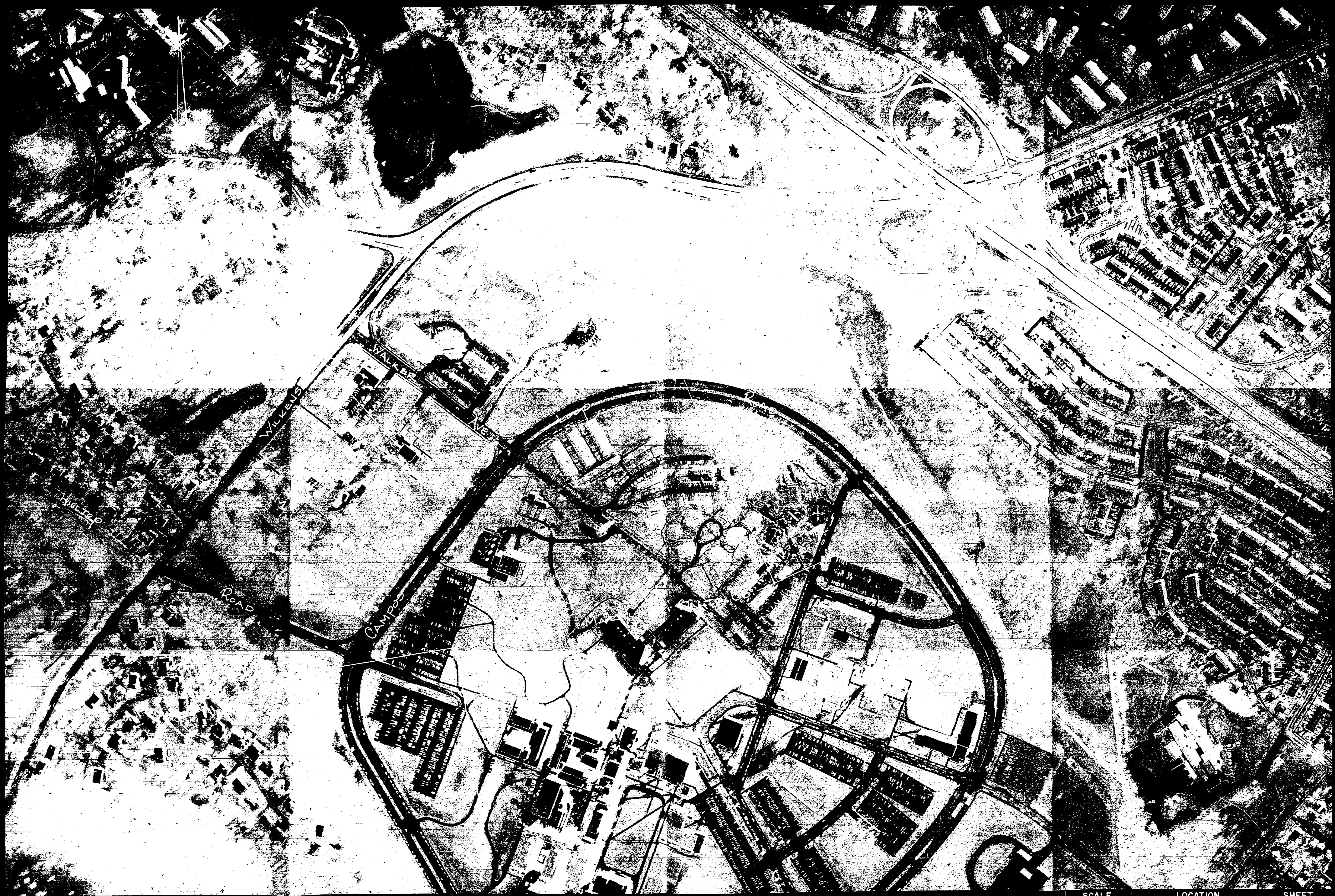
CHECKED BY: RLS

SHEET NO. 2 OF 2

PROJECT NO. 1684039-C5

PRINT DATE: 2-6-96

DOCUMENT NO.



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

Plot No 3

| SCALE | LOCATION | SHEET |
|--|-------------|-------|
| 1" = 200' ± | CROWDENTOWN | S.W. |
| DATE OF PHOTOGRAPHY JANUARY 1986 | ARBUTUS | 4-E |

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401